

FILED

MAY - 9 2019

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYLON GIBSON,

Defendant.

No

**4:19CR00357 HEA/JMB**

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. § 2256(2)(A));

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any

data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files. The "Internet" is a means and facility of interstate and foreign commerce.

3. Between on or about August 1, 2018 and October 8, 2018, within the Eastern District of Missouri and elsewhere,

**WAYLON GIBSON,**

the defendant herein, did knowingly attempt to receive child pornography using any means or facility of interstate and foreign commerce, that is the defendant attempted to receive image files via the Internet which contained child pornography, including but not limited to an image file depicting a minor female, K, in a lascivious exhibition of her genitals and pubic area.

In violation of Title 18, United States Code, Section 2252A(a)(2)(A) and punishable under Section 2252A(b)(2).

**COUNT II**

The Grand Jury further charges that:

1. Between on or about August 1, 2018 and October 8, 2018, within the Eastern District of Missouri,

**WAYLON GIBSON,**

the defendant herein, did knowingly use the Internet, a facility and means of interstate commerce, to attempt to transfer obscene matter, that is images of an adult male exposing his penis, to K., who had not attained the age of 16 years, knowing that K. had not attained the age of 16 years.

In violation of Title 18, United States Code, Section 1470.

A TRUE BILL.

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FOREPERSON

JEFFREY B. JENSEN  
United States Attorney

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CARRIE COSTANTIN, #35925MO  
Assistant United States Attorney